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10/661,236	09/12/2003	Kevin B. Ray	KPG-5084US	6846

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EXAMINER
CULLER, JILL E

ART UNIT	PAPER NUMBER
2854	

DATE MAILED: 06/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/661,236	Applicant(s) RAY ET AL.	
	Examiner Jill E. Culler	Art Unit 2854	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *12 September 2003*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-27* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-4, 7-15, 18-20, 23-27* is/are rejected.

7)☒ Claim(s) *5,6,16,17,21 and 22* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *September 12, 2003* is/are: a)☐ accepted or b)☒ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *20031208*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: 10, see page 12, line 7.

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description: 17, see Figure 1.

A proposed drawing correction, corrected drawings, or amendment to the specification to add the reference sign(s) in the description, are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

2. The disclosure is objected to because of the following informalities:

On page 12, line 14, it appears that "guide roller" should be plural, "guide rollers".

On page 12, line 2, it appears that the word "no" should be "not".

Appropriate correction is required.

Claim Objections

3. Claims 1-22 are objected to because of the following informalities:

In claims 7-9, on line 3, it appears that the word "of" is missing after the word "exposing".

In claim 11, there is no antecedent basis for the claim limitation "said heat sensitive precursor". It appears that this claim should have been written with reference to claim 10, rather than claim 9, and, in order to further prosecution, the examiner has assumed this to be the case in the examination of the claim.

In claim 13, on line 4, it appears that the word "by" is missing before the word "developing".

In claims 18-22, on line 2, it appears that the word "of" is missing before the word "visible".

In claims 1 and 12, the "areas of said plate subject to undesirable shading during said imagewise exposure" have not been positively claimed and are therefore broadly interpreted to indicate any unexposed areas of the plate.

In claims 7-9 and 18-20, the claim of a step in which said "undesirably shaded areas" are identified and exposed to radiation is not positively claimed, and appears to be referring to something already recited in claim 1, although no such identification is recited in claim 1.

Appropriate correction and/or clarification is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-3 rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,340,699 to Haley et al.

With respect to claim 1, Haley et al. teaches a method for forming a printing plate comprising a printing plate precursor comprising a radiation-sensitive layer, said radiation sensitive layer exhibiting sensitivity to radiation in a first frequency spectrum and to radiation in a second frequency spectrum other than said first frequency spectrum, see column 3, lines 11-17, the method comprising imagewise exposing said printing plate precursor to said radiation in said first frequency spectrum and exposing to radiation in said second frequency spectrum any areas of said plate subject to undesirable shading during said imagewise exposure. See column 3, lines 43-50.

With respect to claim 2, Haley et al. teaches the printing plate is a positive working lithographic printing plate. See column 3, lines 51-56.

With respect to claim 3, Haley et al. teaches the printing plate is a negative working lithographic printing plate. See column 3, lines 56-61.

6. Claims 12-14 and 23-26 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,962,192 to Holman, III et al.

With respect to claims 12-14, Holman, III et al. teaches a method for forming a printing plate comprising a heat sensitive printing plate precursor, said heat sensitive precursor comprising a photothermal conversion material, and said precursor also

exhibiting sensitivity to at least one of visible and ultraviolet radiation, see column 3, lines 40-65, the method comprising exposing by imagewise heating said printing plate precursor, see column 4, lines 24-39, exposing to at least one of said visible and ultraviolet radiation any areas of said plate undesirably shaded during said imagewise heating exposure of said precursor, see column 4, lines 40-44, and developing said printing plate precursor. See column 4, lines 59-60.

With respect to claim 23, Holman, III et al. teaches a method for forming a printing plate, the method comprising the steps of : (a) exposing a printing plate precursor comprising a radiation sensitive layer over a support with radiation in a first frequency region and forming exposed and unexposed regions in the radiation sensitive layer, see column 4, lines 24-39, in which the radiation sensitive layer exhibits sensitivity to radiation in the first frequency region and to radiation in a second frequency region, and wherein the first frequency region and the second frequency region are not the same, see column 3, lines 40-65; (b) exposing at least one of the unexposed regions with radiation in the second frequency region, and forming at least one additional exposed region, see column 4, lines 40-44; and (c) developing the printing plate precursor with a developer to form the printing plate. See column 4, lines 59-60.

With respect to claim 24, Holman, III et al. teaches the first frequency region is in the ultraviolet, and the second frequency region is in the infrared. See column 5, lines 9-14.

With respect to claim 25, Holman, III et al. teaches the first frequency region is in the infrared, and the second frequency region in the ultraviolet. See column 4, lines 24-44.

With respect to claim 26, Holman, III et al. teaches the exposed regions are removed by the developer. See column 4, lines 59-62.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

8. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Haley et al. in view of U.S. Patent No. 5,345,870 to Bailey et al.

Haley et al. teaches all that is claimed, as in the above rejection of claims 1-3, except that said undesirable shading results from applying a clamping device on said precursor during said imagewise exposure of said precursor.

Bailey et al. teaches a method of producing a printing plate in which undesirable shading results from applying a clamping device on a precursor during imagewise exposure of the precursor. See column 4, lines 12-16.

It would have been obvious to one having ordinary skill in the art at the time of the invention that the undesirably shaded regions of Haley et al. could be produced by

the clamping mechanism of Bailey et al., as Bailey teaches this is a common problem of imagesetters. See column 4, lines 12-24.

9. Claims 7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Haley et al.

Haley et al. teaches all that is claimed, as in the above rejection of claims 1-3, except that the undesirably shaded areas of said plate are identified and exposed to said radiation in said second frequency spectrum prior to, following, or during imagewise exposing the precursor to the first frequency spectrum radiation.

It would have been obvious to one having ordinary skill in the art at the time of the invention, because these steps have different effects on the printing plate surface, they could be carried out in any order, dependent upon the requirements of the process.

10. Claims 10-11 rejected under 35 U.S.C. 103(a) as being unpatentable over Haley et al. in view of U.S. Patent No. 6,280,899 to Parsons, et al.

Haley et al. teaches all that is claimed, as in the above rejection of claims 1-3, except that the precursor is heat sensitive, comprising a photothermal conversion material, and said imagewise exposure comprises imagewise heating said plate precursor layer.

Parsons et al. teaches a method for forming a printing plate, comprising a heat sensitive printing plate precursor comprising a photothermal conversion material, see

column 4, lines 7-16, having imagewise exposure comprising imagwise heating of the precursor. See column 5, lines 19-22.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify the method of Haley et al. using the phootothermal conversion material and imagewise heating of Parsons et al. in order to produce printing plates which optimize plate properties and performance.

11. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Holman, III et al. in view of U.S. Patent No. 5,345,870 to Bailey et al.

Holman, III et al. teaches all that is claimed, as in the above rejection of claims 12-14, except that said undesirable shading results from applying a clamping device on said precursor during said imagewise exposure of said precursor.

Bailey et al. teaches a method of producing a printing plate in which undesirable shading results from applying a clamping device on a precursor during imagewise exposure of the precursor. See column 4, lines 12-16.

It would have been obvious to one having ordinary skill in the art at the time of the invention that the undesirably shaded regions of Holman, III et al. could be produced by the clamping mechanism of Bailey et al., as Baiiley teaches this is a common problem of imagesetters. See column 4, lines 12-24.

12. Claims 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Holman, III et al.

Holman, III et al. teaches all that is claimed, as in the above rejection of claims 12-14 except that the undesirably shaded areas of said plate are identified and exposed to said at least one of visible or ultraviolet radiation prior to, following, or during the step of exposing the precursor by imagewise heating.

It would have been obvious to one having ordinary skill in the art at the time of the invention, that because these steps have different effects on the printing plate surface, they could be carried out in any order, dependent upon the requirements of the process.

13. Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Holman, III et al. in view of Haley et al.

Holman, III et al. teaches all that is claimed, as in the above rejection of claims 12-14 except that the unexposed regions are removed by the developer.

Haley et al. teaches that a printing plate precursor can be formed such that the unexposed regions are removed by the developer. See column 3, lines 56-61.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify the method of Holman, III et al. to have the unexposed regions removed by the developer, as taught by Haley et al., in order to be able to produce the plate using a desired pattern, rather than the negative of the pattern.

Allowable Subject Matter

14. Claims 5-6, 16-17 and 21-22 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: The prior art does not teach or render obvious a method for forming a printing plate particularly including a clamping device that is transparent to visible, ultraviolet or infrared radiation. Also, the prior art does not teach or render obvious a method for forming a printing plate particularly including a method step wherein exposure to visible or ultraviolet radiation is performed as a printing plate precursor exits a platesetter following exposure to imagewise radiation in the platesetter.

Conclusion

15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. U.S. Patent No. 4,927,741 to Garth et al., U.S. Patent No. 5,493,327 to McCallum et al., U.S. Patent No. 5,631,120 to Swirbel et al., and U.S. Patent No. 6,599,676 to Savariar-Hauck et al. each teach a method for forming a printing plate having obvious similarities to the claimed subject matter.

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jill E. Culler whose telephone number is (571) 272-2159. The examiner can normally be reached on M-Th 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Hirshfeld can be reached on (571) 272-2168. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

jec

Daniel J. Colilla
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